

0850.02.02 GENERAL ELIGIBILITY REQUIREMENTS

REV: ~~01/2004~~09/2006

B. General Eligibility - 0850.02.02: For a child to be eligible to participate in the Child Care Assistance Program, the family applying for CCAP services shall meet the general requirements set forth in this section as well as the specific requirements pertaining to categorical and income eligibility.

1) Base Eligibility Requirements. To be eligible for the CCAP, all applicants must provide the documentation to show the following requirements have been met:

a) Age of applicant child(ren). The child to receive CCAP services shall be over one (1) week old and below the age of sixteen (16) years unless the following circumstances apply:

i) The child is sixteen (16) up to nineteen (19) years old and has a documented physical or mental disability which makes the child incapable of self-care; or

ii) The child is under age sixteen (16) and would be considered a dependent child for the purposes of FIP except for the receipt of Supplemental Security Income, or foster care services under Title IV-E. This subrule applies only in those instances in which child care is necessary for a parent to accept or retain employment or to participate in a FIP approved education or training program.

b) Relationship. The applicant child(ren) must live in the home of the parent requesting CCAP services. The relationship between the adult applying for CCAP services and each applicant child must meet the broad definition of parent as set forth in this rule.

c) Cooperation with the Office of Child Support Services. The Social Caseworker must refer all families with any absent parent(s) to the Office of Child Support Services. As a condition of eligibility, the parent/caretaker relative is required to cooperate in establishing paternity, and in establishing and/or enforcing child support and medical support orders for all children in the family, unless the parent/caretaker relative is found to have good cause for refusing to comply with these requirements.

An explanation must be given by the agency that the parent/caretaker relative must assist DHS and the Office of Child Support Services by providing all relevant information in seeking support from a person who has a legal duty to support the child(ren) and/or in establishing paternity and seeking support from the putative father unless good cause for refusing to do so is determined to exist. An AP-35-CCAP containing this information is included with all CCAP-1 Applications for Assistance.

The DHS agency representative refers the applicant's case to the Office of Child Support Services after approval of eligibility via completion of an Absent Parent (ABSP) panel for each absent parent. If a good

cause for refusal has been determined in accordance with the requirements outlined in sub-section d) below, the DHS agency representative codes the appropriate fields in the ABSP panel.

i) An applicant or recipient must cooperate with the agency for all children in the family (unless good cause for refusing to do so has been determined to exist) in:

- Identifying and locating the parent of each child;
- Establishing the paternity of any child born out of wedlock;
- Obtaining support payments for the applicant or recipient and for all children; and
- Obtaining any other payments or property due the applicant or recipient or the child(ren) of any absent parent.

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ii) In order for the applicant to be found cooperative in achieving the above objectives, the applicant must, at the request of the Office of Child Support Services:

- Appear, as necessary, to provide verbal or written information or documentary evidence, known to, possessed by, or reasonably obtainable by her/him.
- Appear as a witness at court or other hearings or proceedings, as necessary.
- Provide information, or attest to the lack of information, under penalty of perjury.

d) Consequences of Non-cooperation with OCSS. The failure of a parent/caretaker relative to cooperate with the Office of Child Support Services in establishing paternity or in establishing, modifying, or enforcing a support order with respect to a child, when the applicant does not qualify for good cause, results in the closure or denial of all CCAP benefits. All applicant children are found to be ineligible for benefits, if the parent/caretaker relative fails to cooperate with OCSS with regards to any child in the household.

The Office of Child Support Services notifies the DHS representative of failure to cooperate with that agency and the DHS representative must take the necessary action on the case.

The closure or denial of the CCAP case and the ineligibility of the applicant child(ren) in all subsequent CCAP applications, shall continue until the parent/caretaker relative who refused to comply with child support cooperation requirements consents to and cooperates with the agency in satisfying those requirements. Once the applicant has satisfied the requirements of cooperation with the Office of Child Support Services, the applicant may re-apply for CCAP. The Office of Child Support Services will notify DHS of such compliance for appropriate follow-up by the DHS representative. A pending letter will not be generated for any application filed by a client who is currently non-cooperative with OCSS.

e) Good Cause for Refusing to Cooperate. Every applicant is given an opportunity to claim good cause for refusing to cooperate. CCAP applicants may claim good cause for refusing to cooperate by checking

the appropriate box on the CCAP-1 application and by sending in the WVR-CCAP form, which is included with the application.

If good cause is claimed, the applicant is referred to the Domestic Violence Advocate who will conduct the Family Violence Option Assessment as soon as possible (as described in sub-section e) below); or, if the client refuses the referral, s/he is advised that s/he must state the basis of the claim and present corroborative evidence within twenty (20) days of the claim; or, s/he must provide sufficient information to enable the investigation of the existence of the circumstance; or, provide sworn statements from individuals to support the claim as specified on the AP-35-CCAP.

A determination of good cause is based on the findings of the Domestic Violence Advocate; or, evidence supplied which establishes the claim; or, an investigation by the agency of the circumstance which confirms the claim; or, a combination of evidence and investigation; or, when the claim is one of anticipated physical harm without evidence, the investigation supports the credibility of the claimant. The determination as to whether good cause does or does not exist should be made within thirty (30) days of the good cause claim unless the record documents that the agency needs additional time because the information required to verify the claim cannot be obtained within the time standard.

If the reason that the information is not available is that the client did not present the corroborative evidence within twenty (20) days of the claim, the record must document that the agency determined that the applicant required additional time to obtain the evidence, the amount of additional time allowed, and that this decision had supervisory approval. The final determination that good cause does or does not exist, including the findings and basis for the decision, must be included in the CLOG.

The DHS representative will obtain verification and/or conduct an investigation in order to make the determination. If sufficient information to conduct an investigation is provided, an otherwise eligible applicant is provided assistance (or assistance is continued) pending the final determination on the good cause claim.

i) When Cooperation Not in Best Interest. Cooperation is determined to be against the best interest of the child(ren), if:

- The applicant's cooperation is reasonably anticipated to result in physical or emotional harm to the child, mother, or other relative with whom the child is living. (Physical or emotional harm must be determined to be of a genuine and serious nature. The mere belief that cooperation would result in harm is not sufficient basis for a finding of good cause. The emotional harm to the mother must be of such a serious nature that the capacity to care for the child adequately would be reduced.); or
- It would be harmful to the child for whom support would be sought because the child was conceived as a result of incest or forcible rape; or

- Legal proceedings for adoption of the child are pending before a court of competent jurisdiction; or
- The applicant is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or release him/her for adoption and the discussions have not gone on for more than three (3) months; or
- There is anticipated physical harm to the parent without corroborative evidence.

ii) Corroborative Evidence of Good Cause. Corroborative evidence upon which a determination of good cause is based without further agency investigation is limited to documents similar to the following, which must be presented within twenty (20) days of the claim:

- Birth certificates, medical, or law enforcement records which indicate that the child was conceived as a result of incest or forcible rape.
- Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction.
- Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the putative father or absent parent might inflict physical or emotional harm on the child or caretaker relative.
- Medical records which indicate emotional health history and present emotional health status of the caretaker relative (parent or loco parentis) or the child for whom support is sought or, written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the caretaker relative or the child for whom support is sought.
- A written statement from a public or licensed private social agency that the applicant is being assisted by the agency to resolve the issue of whether to keep the child or release him/her for adoption, and the discussions have not gone on for more than three (3) months.

If the evidence is insufficient, the DHS agency representative will promptly notify the applicant that additional corroborative evidence is needed and specify the type of document needed. The DHS representative will assist in obtaining the needed evidence if requested to do so by the applicant. This assistance might be in the form of advising the applicant how to go about obtaining the documents, or, if requested, undertaking reasonable efforts to obtain the evidence, if s/he is not reasonably able to obtain it by him or herself.

When sufficient information to permit an investigation is given or when the claim is one of anticipated physical harm without corroborative evidence and the DHS representative considers the claim credible and corroborative evidence is not available, the DHS representative will conduct an investigation. In conducting the investigation, the DHS representative will not contact the absent father or putative father unless such contact is determined to be necessary to establish the

claim. Prior to making any contact, the applicant or recipient will be notified in order for her to present additional evidence or information that the contact is unnecessary or she can withdraw the application, or the good cause claim can be denied.

On the basis of the evidence or the results of the investigation, the DHS agency representative makes a decision on the applicant's good cause claim as described in d) iv), below.

iii) Emotional and Physical Harm. Physical harm and emotional harm, as defined, must be of a serious nature. It must be demonstrated to the DHS agency representative that there exists an emotional impairment that substantially affects the applicant's functioning for a finding of good cause for emotional harm to be made.

If a determination is based in whole or in part upon the anticipation of emotional harm to the child, parent, or other caretaker relative, consideration is given to the following:

- the present emotional state of the applicant subject to emotional harm;
- the emotional health history of the applicant;
- intensity and probable duration of the emotional upset;
- degree of cooperation to be required; and
- the extent of the involvement of the child in paternity establishment or support enforcement activity to be undertaken.

The DHS agency representative can find good cause on the basis of anticipated physical harm without corroborative evidence if the agency considers the claim credible without corroborative evidence and if such corroborative evidence is not available.

For example, battered women are often too afraid or ashamed to tell anyone of the beatings they have received and would therefore be unable to corroborate a valid good cause claim.

In this case, the claimant has the burden of establishing her credibility as well as explaining why no evidence is available.

The agency is required to investigate this type of claim and while it may not establish the good cause circumstance, it should establish the credibility of the claimant.

iv) Good Cause Decision. If the DHS representative has made a determination that good cause exists, the case does not need to be referred to the Office of Child Support Services. The case will be sent to OCSS, at a later date, should the good cause exception be lifted due to new circumstances.

v) Review of Good Cause Finding. A review of the good cause decision must be made at each redetermination by the DHS agency representative. If it is determined that circumstances have changed such that good cause no longer exists, there must be enforcement of the cooperation requirements.

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The failure of a parent/caretaker relative to comply with child support enforcement cooperation requirements without good cause results in the closure or denial of the case as outlined in sub-section f), below. The Office of Child Support Services notifies the DHS representative of any failure to cooperate with that agency and the DHS representative must take the necessary action on the case.

f) Referral to the Domestic Violence Advocate. If an applicant discloses a domestic violence situation to DHS, the agency representative refers the applicant to the Domestic Violence Advocate who is on-call. The Domestic Violence Advocate conducts the Family Violence Option Assessment as soon as is practicable.

If the applicant involved is a minor parent/pregnant minor, an immediate report at the time of disclosure must be made to DCYF as specified in Section 0118 as well as referral made to the Domestic Violence Advocate for assessment. If such disclosure is made by a minor parent/pregnant minor to the ASSC worker, s/he may elect to conduct the Family Violence Option Assessment alone, refer the parent to the Domestic Violence Advocate for assessment, or collaborate with the Domestic Violence Advocate in the assessment process as necessary.

If the applicant refuses referral to the Domestic Violence Advocate, eligibility for CCAP is not affected. However, if the applicant requests a good cause exception to cooperation with the child support enforcement requirement, that exception will not be granted unless the applicant can provide evidence to support the good cause exception as detailed in sub-section e) above.

From the Family Violence Option Assessment, the Domestic Violence Advocate determines whether the applicant should be waived from the child support cooperation requirements, and forwards the Findings on the Recommended Waivers portion of the Assessment (Form WVR-2) regarding which waivers, if any, the applicant should be granted to the appropriate supervisor.

The appropriate supervisor reviews all such recommendations and makes the final determination of any such waiver. The Chief Supervisor and/or Regional Manager are available for consultation in these situations as needed. The agency representative then effects the waiver(s) as appropriate and notifies the applicant.

In the case of an adolescent parent/pregnant adolescent, if an ASSC worker did not conduct or collaborate in the Family Violence Option Assessment, a copy of the final Findings document is forwarded to the appropriate ASSC.

For adolescent parents/pregnant adolescents, after the Family Violence Option Assessment, the ASSC case manager must ensure that safety planning, crisis counseling, appropriate referrals, and follow-up services are provided. The ASSC representative may choose to do this her/himself or collaborate with the Domestic Violence Advocate, as necessary.

For all other applicants who disclose domestic violence, the Domestic Violence Advocate is responsible for safety planning, resource information, and follow-up for the applicant.

The Domestic Violence Advocate must review the suitability of any or all waivers at the end of the specified waiver period(s), or earlier if the applicant's circumstances change. The maximum time period for the granting of a waiver is six (6) months renewable only with the Regional Manager's consultation and approval. After notification from DHS that the waiver period is about to expire, the Domestic Violence Advocate (and/or ASSC representative, for teen parents) completes a Family Violence Option Re-Assessment (Form WVR-2a) of the applicant's circumstances and notifies the appropriate supervisor of the recommendation for extension or discontinuance of any waiver and/or change(s) in status through a new Findings document. The agency representative then follows up on the recommendation(s) as appropriate and notifies the applicant.

2) Categorical Eligibility. The Rhode Island Family Independence Act (FIA) extends eligibility for the CCAP to Family Independence Program (FIP) cash assistance beneficiaries who meet the need for services (i.e. engaged in an approved education or employment related activity that necessitates child care services) and other criteria established in Section D - 0850.02.04 - of this rule.

3) Income Eligibility. A family seeking income eligibility for the CCAP shall provide the documentation required by DHS indicating that the following requirements have been met:

a) Income. Countable income of the financial unit shall not exceed 225 percent of the Federal Poverty Level (FPL).

To assist in determining income eligibility, a Social Security Number (SSN) must be provided for any member of the financial unit. An SSN for all other members of the household may be provided on a voluntary basis. Proof that a request for an SSN has been made will be accepted as documentation, but only for the initial determination of eligibility. At the time of recertification for authorized services, a permanent SSN shall be required for all members of the financial unit. In accordance with applicable federal and state laws, SSN will be used only to assist in verifying income and the need for services.

b) Residency. As defined in DHS Code Section 0106, the applicant parent(s) and any applicant children in the financial unit shall be documented legal residents of the State of Rhode Island.

c) Citizenship. The applicant shall be either a citizen of the United States or a non-citizen lawfully entitled to reside in the United States, as specified in Section 0104 of the DHS Code. The citizenship status of the parent(s) shall not be a bar to participation in the program.

d) Need for Services. The parents of the applicant child(ren) shall be employed and unavailable to provide routine care for the child(ren) while working in accordance with the criteria established subsection 0850.0205 of this rule.

4) Limitations and Exclusions. Both categorical and income eligibility for CCAP services are subject to the following limitations and exclusions:

a) One CCAP Household Per Applicant Child. CCAP services shall only be authorized for one household per applicant child during any given certification period.

i) In general, the CCAP household is the parent's home which serves as the principal place of residence of the applicant child - i.e. where the child lives the majority of the time. This rule applies whenever an applicant child's parents live in separate households or have an acceptable need for services independently of, or in tandem with, one another. A household other than the child's principal place of residence may only be considered a CCAP household if:

(a) The parent in the household where the child lives the majority of the time does not qualify, or have a need for CCAP services; and

(b) The parent in the household where the child lives less than a majority of the time applies and meets the requirements for CCAP authorized services.

ii) If the parents of an applicant child live in different households, but share legal custody and physical possession of a child due to a court order/agreement, then neither parent's household may be the child's principal place of residence. When both parents apply separately for the same child, only one household shall be considered a CCAP household when determining authorized services. In such instances, the department shall request the documentation from the applicant parents required to make a factual determination as to which is the CCAP household.

b) Self-Employment as a Child Care Provider. Any parent whose income is derived solely from self-employment as a child care provider shall not be eligible for CCAP authorized services. However, a parent who is self employed as a child care provider on a part time basis may be eligible to receive CCAP authorized services for an eligible child for a period of time while working in some other capacity or participating in a FIP-approved activity, if all requirements established in this rule are met.